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C O N F I D E N T I A L SECTION 01 OF 02 PHNOM PENH 000297

SIPDIS

STATE FOR EAP/MLS, P, D, DRL

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TAGS: [PGOV](#) [PHUM](#) [PREL](#) [KJUS](#) [CB](#)

SUBJECT: DEFAMATION SUITS CONTINUE; GOVERNMENT ADHERES TO
LAW, AVOIDING MU SOCHUA "MARTYRDOM"

REF: A. PHNOM PENH 295

[1](#)B. PHNOM PENH 279

[1](#)C. PHNOM PENH 273

Classified By: CHARGE D'AFFAIRES A.I. THEODORE ALLEGRA FOR REASONS 1.4
(B,D)

[1](#)1. (C) SUMMARY: The government and Hun Sen's lawyer are taking a low-key approach to the case against opposition parliamentarian Mu Sochua. Deputy Prime Minister Sok An told Charge May 6 that the case against Mu would be carried out within Cambodia's legal framework and according to the rule of law. He expressed certainty that she would not go to jail, and did not know of circumstances under which Mu Sochua's parliamentary immunity might be lifted. Referring to Mu Sochua's defamation case against Prime Minister Hun Sen, he noted her apparent desire to become a "martyr" and repeated that the government would not go outside the law. In the meantime, action at the Phnom Penh Municipal Court continued May 7 with lawyers for both sides appearing as plaintiffs to answer prosecutor questions in support of their claims. END SUMMARY.

Sok An: Strictly Within the Framework of the Law

[1](#)2. (C) Charge requested an urgent meeting May 6 with Deputy Prime Minister and Minister of Council of Ministers Sok An to discuss the Mu Sochua case and to urge the government to show moderation. The Charge and Pol/Ec Chief were summoned after 8 p.m. to an empty and darkened Council of Ministers Building by Sok An's staff who said he had been closeted with the World Bank for the previous three hours. Noting that the Embassy took a special interest in the case, and that Mu Sochua's situation was garnering international attention, the Charge said that the U.S. government was taking the matter seriously and that this interest would not flag. Throughout the discussion, the Charge urged the government to consider reconciliation where both parties would agree to drop the suit and countersuit for defamation. The Charge also suggested that PM Hun Sen might take the initiative in offering to drop the suit and challenge Mu Sochua to reciprocate.

[1](#)3. (C) Sok An said that first, the Cambodian government did not want to play the "communications game", referring to publicity seeking to make political statements. Instead the government's idea was to act in a way that was in the framework of the rule of law, he said. That is the approach the government lawyers have to take, Sok An continued. They cannot work outside the framework of a legal basis. Whatever happens will have to emerge from the lawyers' specialized legal knowledge, he noted, and in the context of Cambodia's existing laws. He volunteered that Mu Sochua would not go to jail. When asked about the prospect of lifting Mu Sochua's parliamentary immunity (Ref A), the DPM was less certain, saying that he would have to refer to the Council of Jurists, a group of 60 lawyers at the Council of Ministers. He

repeated that he was certain that Mu Sochua would not go to jail.

Human Rights Watch Criticized; Mu Sochua No Martyr

14. (C) Commenting that he had read the just-issued public statement by Human Rights Watch, Sok An noted with distaste that it was "very, very strong," and recalled that the HRW statement made reference to the government behaving like "dictators". (NOTE: HRW Asia Director Brad Adams stated that Hun Sen's goal is an "elective dictatorship, not a genuinely pluralistic democracy." END NOTE.) He also noted in this context that Mu Sochua was trying to become a "martyr", but indicated that it was unlikely the path defined by the law would allow this to happen. Charge responded that neither the law nor politics should be vehicles to provoke threatening responses in this case.

Inter-Parliamentary Union Following the Case

15. (SBU) Poloff attempted to gather more information on the ostensible letter from the AIPU sent to the Prime Minister (Ref A). An assistant in the Human Rights Program office at the Inter-Parliamentary Union headquarters in Geneva confirmed that the IPU is "dealing with the case," but is doing so under the confidential procedures of the Committee on the Human Rights of Parliamentarians. When asked if the IPU had made any attempt to contact the Cambodian government, the assistant said "probably," and then declined to answer any further questions.

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Municipal Court Takes First Procedural Steps

16. (SBU) The Embassy sent an observer to monitor action at the Municipal Court throughout the day on May 7. The Prime Minister's lawyer, Ky Tech, was originally expected to appear in support of the PM's complaint at 9:30 a.m., but did not arrive until afternoon, around 3:40 p.m. According to the court clerk, Hong Bunhour, Ky was taken to an office for questioning. Upon emerging 30 minutes later, Ky was approached by several reporters. He would not answer any detailed questions about the case, but only reiterated the basics of the complaints he had filed on behalf of Hun Sen. He said the complaints were for "defamation," then directed reporters to consult with the prosecutor for more information.

17. (SBU) Mu Sochua's lawyer, Kong Sam Un, also arrived at the court in the afternoon, around 3:30 p.m., and was taken to a separate office. He emerged after more than one hour of questioning, and answered reporters' questions. He stated that Mu Sochua is the victim in this situation, and asked the court to find justice for his client. When asked by a reporter if he feared the Prime Minister's influence and if he "wanted protection," he said yes.

18. (SBU) Neither lawyer indicated when they might be summoned to appear as defendants, which is the next step under Cambodia's French-based judicial system. Following that, the prosecutors would determine whether to press forward with criminal complaints or to turn a case over to an investigating judge to gather more information, or to dismiss the suits entirely.

19. (SBU) COMMENT: The usually voluble Ky Tech has declined to provide specifics about Hun Sen's case several times now. On May 6, he told reporters he was "too busy" to comment on the case, and following today's questioning he also remained close-lipped. Although it's too early to tell if that is how the RGC intends to deal with the case going forward, today's low-key approach was a welcome contrast to the shrillness and provocation that has characterized much of the public debate

thus far.
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